



CARIBBEAN COURT OF JUSTICE

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PORT OF SPAIN

REPUBLIC OF TRINIDAD AND TOBAGO

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CCJ ISSUES DEFINITIVE ORDERS IN GUYANA CASES

Port of Spain, Trinidad. The Caribbean Court of Justice (CCJ) today issued consequential declarations and orders in two sets of cases from Guyana. The cases have to do with the appointment of the Chairman of the Guyana Election Commission (GECOM) and a no-confidence vote passed last December in the Guyana National Assembly. On the first case, the CCJ urged that, as a matter of the greatest public importance, “the President and the Leader of the Opposition should, as soon as possible, embark upon and conclude the process of appointing a new GECOM Chairman.” Since the Court’s decision, the Chairman of GECOM voluntarily submitted his resignation.

Regarding the consolidated matters concerning the no-confidence motion, the CCJ noted that there is clear guidance in Article 106 of Guyana’s Constitution on what should happen next. The Court stated, “upon the passage of a vote of no confidence, the Article requires the resignation of the Cabinet including the President. The Article goes on to state, among other things, that notwithstanding its defeat, the Government shall remain in office and that an election shall be held “within three months, or such longer period as the National Assembly shall by resolution supported by not less than two-thirds of the votes of all the elected members of the National Assembly determine”.

The Court noted that the filing of the court proceedings in January, challenging the validity of the no-confidence vote, effectively placed matters on pause. The Court reminded, however, that it had rendered its decision on 18 June 2019. As to the precise orders it should make, the CCJ cautioned, however, that it is not, “the role of the Court to establish a date on, or by which, the elections must be held”. Article 106 is clear and it should be followed. The CCJ did express the view that it is expected that the Government will continue as a caretaker for the affairs of the county but that in light of its caretaker role it should be restrained in the use of its legal authority.

In the matter concerning the GECOM Chairman, the CCJ noted that since the Chairman in question had already demitted office, it was unnecessary to issue any orders on this point. However, it was the Court’s view that the appointment process of a new Chairman should be embarked upon with “the utmost urgency” in light of the CCJ’s decision in the no-confidence motion cases which has triggered the need for fresh general elections.

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Costs were awarded to Mr. Jagdeo and Mr. Persaud respectively to be taxed if not agreed. In each case, those costs are to be paid by the Attorney General. Mr. Ram was awarded 60% of his Costs to be taxed, if not agreed, and to be paid by the Attorney General.

On 18th June, in separate judgments, the Court had concluded that the Chairman of the Guyana Election Commission had been invalidly appointed and that the no-confidence motion was validly passed. The Court held a hearing on June 24th to determine whether there was consensus on the way forward but, as there was no consensus, the CCJ then ordered the attorneys in both cases to make written submissions. The CCJ said that those submissions from counsel were useful and were fully considered by the Court. The full declarations and orders of the Court are available on the Court's website at www.ccj.org.

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